IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

Writ Petition No.9582 of 2004

M/s Kalpataru Hoteliers Pvt Ltd..Petitioners
vs
The State of Mah and ors...Respondents

Mr.Rahul Chitnis i/b V Deshpande and Co for petitioners

CORAM: A.P.SHAH & S.C.DHARMADHIKARI JJ.

Dated l5.l2.2004

P.C:

l. There is no substance in the challenge to the Constitutional validity of section 406 of the Bombay Provincial Municipal Corporation Act. The said provision has been held intra-vires by this court as well as by the Supreme Court.

2. As far as the revised rateable value is concerned, the petitioner has availed the statutory remedy under section 406 of the Bombay Provincial Municipal Corporation Act.It appears that the appeal filed by the petitioner has been dismissed by the trial court due to failure of the petitioner to deposit the amount of tax in terms of the provisions of section 406. The petitioner is free to deposit the arrears of taxes with the trial court and apply for restoration of the appeal and

in case such an application is made the trial court shall decide the same on its own merits. Petition is accordingly disposed of.